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THE LORD DIGBIES
Speech to the Bill of Attainder
OF THE EARLE OF
STRATFORD.

TORNE IN PEICES,
AND BLOWNE AWAY.



Printed in the year of 1643.

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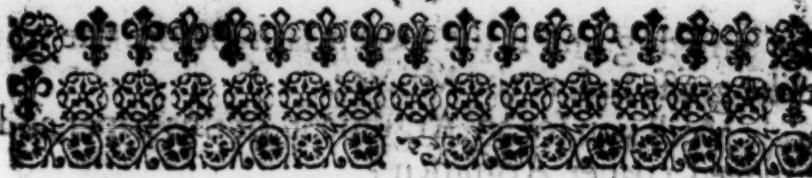
АПОСТОЛИЯ ПОСЛАНИЯ СЛАВЯНСКИЕ

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СЛОВО ПРОИСХОДЯЩЕ
ИЗ ПОСЛАНИЯ АПОСТОЛА
ПАВЛА АПОЛЛОНОВОГО
КО СВЯТОМУ ПАВЛОУ
СВЯТОМУ АПОСТОЛУ
ПАВЛОУ
СВЯТОМУ АПОСТОЛУ
ПАВЛОУ

A decorative horizontal border consisting of a repeating pattern of stylized, symmetrical motifs. Each motif appears to be a combination of a central circle and surrounding geometric shapes like triangles and lines, creating a floral or geometric interpretation.

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A FR INTD PAPER

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THE LORD DIGBIES
Speech to the Bill of Attainder
OF THE EARLE OF
STRAFFORD.

Torne in peices and blowne away.

The sandg, that is the ircoharent selfe-deviding & selfe-forsakeing speech, that endeavours to shew how the same man, might both cōtemne and acquire the same man (the Earle of strafforde) doth not so much call for the stroke of an haimmer, to batter it, as a pufse of wind to blow it away, to encounter it with the Votes of the two houses of Parliament, with the Vnited opinion of the Judge, with the learned Argument in Westminster Hall (before the Cōmittees of both houses) were to Kill a fly with an Axe, and to honor, rather then to overthrow it. For certaintely the strength of it, is onely great in the kindnesse (that I say not the weakenesse) of the Reader, steaing a way the affection, not convincing the Judgment; if Arguments be railed from it; they are such as neede an Hospital, being blinde and lame, if Arguments be

be raised against it the speech falleth before them,
like grass before the Mower.

Will you see an Argument of this paper, and
indeed a paper Argument?

If it doth not appear to him by two Testimo-
nyes, that the Army of Ireland was to bee brought
over to reduce this Kingdome then the Earle of
Strafford is not guilty of High Treason.

Now doth he beleue himselfe in this proposi-
tion, when he seeth divers other charges of Tre-
ason besides laide against him; if three or fourre trea-
sons bee obiected and proued, is it a sufficient
cause of cleareing if on be not proued to his mind,
and as he sayes but by a single Testimony, though
the other by more? if the Author can not bee
drawne to a better beleife by the cordes of Reason,
I thinke he would certainly be drawne to it, by
the cordes of a comparison. If himselfe were tyed
with three or fourre cordes, and a friend had freed
hym from one, would he tell his friend, let me a-
tione for I am free enough, though I am bound by
the rest; surely I thinke the other cordes (after
some stay at least) would perswade him to change
his minde by his inability to change his place.

But faults in this paper doe not goe alone
For is he not willingly blind when he sees not the
very clause Of reducing this Kingdome by an
Irish Army manefessly appearing in the former,
and as it were looking him in the face? For a for-
mer Testimony of two witnesses saith, that his
Majestie is absoluued from all rules of Government
and may doe what power will aduise; especially
now,

most besidz himselfe do see what power will admitt the vse of an Irish Army and any other that the same power can purchase, or command. So that where hee quarrels for want of an Irish Army hee hath gotten now about his caues, Irish, English, Dutch, &c.

But yet againe he mult replies and is fruitfull in absurdities. He layes, that he hath no notion of subuerting Law treasonable but onely by force; certainly this Argument then will never subuert the Law, for it hath no force in it, it is an Argument taken onely from his owne ignorance, and fynes, or rather haults thus, he knowes no other therefore there is no other to straine this right it should run thus.

There is no way of Subuerting the Law, but that which I know, but I know no way of subuerting the Law, but by force. Now in the first of these is to much knowledge, and in the latter to much Ignorance.

But who sayth this? Is it some auncient Judge, or Father of the Law, that hath swallowe and digested the great volumes of that judicious and weighty profession? Or is it the speech of one that lookes more into the Courte then the Lawes of Courte? I pray behold an Engine strongly framed to lift up and overpoyle the trust and beleife of a whole Kingdom in point of Law, & young greeves knowes it not.

But if he be not skilfull in common Law, he may be somewhat skillfull in common Reas. Conquering and may tell him that if nothing but force,

can subvert Law, then Judges can not subvert Law upon the seates of Justice; For though they willfully pronounce judgment contrary to Law, stop lawfull defences, and rob the Subject of the benefit of Law, and let loose the prerogative upon the Law to destroy it, except they drive the Subjects away from Courts of Justice by Halberds & *Guns*; they may take the Law from them by false judgments, denying *Prohibitions* *Hab. as corpus*, & all Legall Remedies and yet not subuert the Law. If this Authors estate should be lost by this way of Injustice, he may comfort himselfe (and let it be his comfort alone) that it is not lost by Subverting the Law: O unhappy *Tresilian* that thou didst not live in the times, when such Patronages might haue bene given thee, for then mightst thou have liued out thy time, since thou couldst not committ Treason by subverting the English Lawes but onely by Iron.

And now I am fallen upon *Tresilian*, I may not forget this Authors Argument, to which this *Tresilian* will give an unhappy conclusion.

He argues thus:

The Earle of Straffords practises have beene as high, as tyrannicall, as ever any. But the practises of *Tresilian* and others haue beene as high as high Treason. Therefore the Earle of Straffords practises haue beene as high as high Treason.

Thus you see, how this Author with the helpe of *Tresilian* hath pronounced sentence against the E. of Strafford. So that if he had no other Judge this one thus assisted would condemn him, wen

he goes about to save him.

But that is nothing to the purpose, that he is condemned; for though he be condemned, and so condemned, that he can never be absolved till he be dispatcht into another world, yet this Author will not have a hand in this dispatch.

A misericordiall Inference and most unsuitable to the premises, especially if it come out of the mouth of a Judge. Marke how it soundes in such a mouth, I being a Judge condemn you as guilty of murther or of as high a treason as ever any, but I will haue no hand in your sentence or dispatch.

If Judges should ride their Circuits and end their Assizes in this Logicke, granting the premises, and denying the conclusion, were it not most vaine & a meere mockery of Justice? For it were only to find faultes and not to correct them, and to turne justice into meere wordes. It would shortly make a kingdome a den of Theeves, murderers and Traytors, and safe for none to dwel in; no not for those that teach this doctrine; though they may be thought by teaching to deserve it.

Lex equa nulla est.

Lastly, who can beleeve this mans suspitions rather then *sr. Henry Vane* Oath vpon advised Recollection? And oath that gets an addition of beleife from the speeches going before (joyntly testifized by the Truly Noble Earle of Northumberland) and backt by a memoriall written the same day when the words were spoken: which words cald venomous by this paper, had their venome from the speaker, not the hearer, and be-

being Recorded the same day wherein they were spoken; did arise thereby to such a pregnance of Testimony, that it became very great, and might in a wise mans eye (be it M.P. or any other) looke very rare as big as two.

But though the Testimonyes be big, or many, and the charges many also, and the Earle of Stratford as high and Tyrannicall in practises as ever any (by this authors confession) yet he must at once be both condemned, and saved.

Though in his saving, the Voices of both Houses be condemned, and the Kingdome and law in danger apt to be saved.

FINIS.